08-29-05

PTO/SB/21 (02/04)
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OIPE JC19 AUG 25 2005 PATENT & TRADEMARK OFFICE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/686,047
Filing Date	10/14/2003
First Named Inventor	Joseph Rubinfeld
Art Unit	1645
Examiner Name	Not yet assigned
Total Number of Pages in This Submission: 8	Attorney Docket Number: 12636-330.301

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☐ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
  - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s)
- ☐ After Allowance communication to Technology Center (TC)
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below): return receipt postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Shirley Chen, Reg. No. 44,608, WILSON SONSINI GOODRICH & ROSATI
Signature	Shirley Chen
Date	8-24-05

Express Mail Date: August 25, 2005

Express Mail Label No.: EV518897471US

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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AUG 25 2005
PATENT & TRADEMARK OFFICE

EXPRESS MAIL LABEL NO.: EV 518897471 US

PATENT
Attorney Docket No. 12636-330.301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Joseph RUBINFELD, et al.

Serial Number: 10/686,047

Filing Date: October 14, 2003

Title: RESTORING CANCER-SUPPRESSING FUNCTIONS TO NEOPLASTIC CELLS THROUGH DNA HYPOMETHYLATION

Group Art Unit: 1645

Examiner: Not yet assigned

CONFIRMATION NO: 4981

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08A. A copy of each listed publication is being submitted, if required, pursuant to 37 C.F.R. §§1.97-1.98, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

☒ *37 CFR §1.97(b).* This Information Disclosure Statement should be considered by the Office because:

☐ (1) It is being filed within 3 months of the application filing date of a national application and is other than a continued prosecution application under §1.53(d);

-- OR --

☐ (2) It is being filed within 3 months of entry of a national stage as set forth in §1.491 in an international application;

-- OR --

☒ (3) It is being filed before the mailing date of the first Office Action on the merits;

-- OR --

☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114.

☐ *37 CFR §1.97(c).* Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

☐ a certification as specified in §1.97(e) provided concurrently herewith;

-- OR --

☐ a fee of $180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ *37 CFR §1.97(d).* Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

A. a certification as specified in §1.97(e); and

B. a fee of $180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

☐ *37 CFR §1.97(e).* A certification signed by an Attorney of Record is provided herewith as required under 37 CFR §§1.97(b) and (c).

☒ *37 CFR §1.98(a)(2).* The content of the Information Disclosure Statement is as follows:

☐ Copies of each of the references listed on the attached Form PTO/SB/08A are enclosed herewith.

-- OR --

☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08A are NOT enclosed.

-- AND/OR --

☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08A are enclosed in accordance with 37 CFR §1.98(a)(2).

-- AND/OR --

☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

☒ *37 CFR §1.98(a)(3).* The Information Disclosure Statement includes non-English patents and/or references.

☒ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.
DE 1922702 was published in German. The English language abstract and the drawings are sufficient to convey the scope of its disclosure.
EP 0286958 was published in German. The English language abstract and the drawings are sufficient to convey the scope of its disclosure.
JP 05219974, JP 2002223753, JP 2002370939 and JP 2003310293 were published in Japanese. The English language abstracts are sufficient to convey the scope of their disclosure.
WO 03/046190 was published in German. The English language abstract and the drawings are sufficient to convey the scope of its disclosure.
Should the Examiner believe that a complete translation of any of the above mentioned publications is necessary to understand their disclosure, Applicant(s) will endeavor to provide such translations at the Examiner's request.

☒ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation of the non-English language reference(s) is provided herewith.
CS 269077 was published in Czech. The English language translation and the drawings are sufficient to convey the scope of its disclosure.
DE 2105468 was published in German. The English language translation and the drawings are sufficient to convey the scope of its disclosure.

☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR §1.97(e)(1).

☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of $0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.12636-330.301).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 8-24-05

By: _____
Shirley Chen, Reg. No. 44,608

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Customer No. 021971

OIPE JC16
AUG 25 2005
PATENT & TRADEMARK OFFICE

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	4

Complete if Known	
Application Number	10/686,047
Filing Date	10/14/2003
First Named Inventor	Joseph RUBINFELD
Art Unit	1645
Examiner Name	Not yet assigned
Attorney Docket Number	12636-330.301

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-2002/0114809 A1	02/21/2001	Rubinfeld, et al.	
		US-2002/0136709 A1	07/31/2001	Zahner, et al.	
		US-2003/0039689 A1	04/26/2002	Chen, et al.	
		US-2003/0108588 A1	09/17/2002	Chen, et al.	
		US-2003/0147813 A1	02/07/2002	Lyons	
		US-2003/0158598 A1	01/14/2003	Ashton, et al.	
		US-2003/0229047 A1	06/05/2002	Joshi-Hangal, et al.	
		US-2004/0019036 A1	09/05/2001	Robin, et al.	
		US-4,690,918	09/01/1987	Beppu, et al.	
		US-5,736,531	12/30/1993	Von Borstel, et al.	
		US-5,968,914	10/28/1987	Von Borstel, et al.	

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1]Applicant's unique citation designation number (optional). [2]See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3]Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4]For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6]Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Substitute for form 1449/PTO **INFORMATION DISCLOSURE STATEMENT BY APPLICANT** *(Use as many sheets as necessary)*				***Complete if Known***	
				Application Number	10/686,047
				Filing Date	10/14/2003
				First Named Inventor	Joseph RUBINFELD
				Art Unit	1645
				Examiner Name	Not yet assigned
Sheet	2	of	4	Attorney Docket Number	12636-330.301

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] – Number[4] – Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]
		CS 269077	12/22/1963	Ceskoslovenska akademie ved, (Prag)		
		DE 1922702	05/03/1969	Ceskoslovenska akademie ved, (Prag)		
		DE 2105468	02/05/1971	Ceskoslovenska akademie ved, (Prag)		
		EP 286958	04/06/1988	Merck Pg		
		JP 05219974	02/13/1992	Mitsui Petrochem Ind Ltd		
		JP 2002223753	01/30/2001	Hitachi		
		JP 2002370939	06/12/2001	Taisho Pharmaceutical Co. Ltd.		
		JP 2003310293	04/26/2002	Mitsui Chemical Inc.		
		PCT/US04/22367 International Search Report	07/20/2005	SuperGen, Inc.		
		WO 93/01202	07/05/1991	Pro-Neuron, Inc.		
		WO 94/26761	05/14/1993	Pro-Neuron, Inc.		
		WO 94/27632	06/01/1993	Nycomed Pharma A/S		
		WO 96/40165	06/07/1995	Pro-Neuron, Inc.		
		WO 99/01118	07/01/1997	Artherogenics, Inc.		
		WO 00/23112	10/19/1998	Methylgene, Inc.		
		WO 00/40269	01/05/1999	Clarence Lee		
		WO 00/74634 A2	06/03/1999	AU, Jessie, L., S.		
		WO 01/79164 A2	03/21/2000	Atherogenics, Inc.		
		WO 02/47611 A2	11/28/2000	Board of Regents of the University of Texas System		
		WO 02/053138 A2	01/02/2001	Shanahan-Prendergast, Elisabeth		

Examiner Signature		Date Considered	

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				Application Number	10/686,047
				Filing Date	10/14/2003
				First Named Inventor	Joseph RUBINFELD
				Art Unit	1645
				Examiner Name	Not yet assigned
Sheet	3	of	4	Attorney Docket Number	12636-330.301

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] – Number[4] – Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]
		WO 02/057425 A2	01/22/2001	Merck & Co., Inc.		
		WO 02/076486 A2	02/05/2001	Innoventus Project AB		
		WO 02/085400 A1	04/24/2001	Supergen, Inc.		
		WO 03/020252 A2	09/05/2001	Oncopharm Corporation		
		WO 03/026574 A2	09/24/2001	AU, Jessie, L. –S.		
		WO 03/046190 A1	11/30/2001	Medigene Aktiengesellschaft		
		WO 03/065995 A2	02/07/2002	SuperGen, Inc.		
		WO 03/076593 A2	03/07/2002	The Johns Hopkins University School of Medicine		
		WO 03/076594 A2	03/07/2002	The Johns Hopkins University		
		WO 2003/087774 A3	04/12/2002	Curators of the University of Missouri		
		WO 03/092623 A2	05/02/2002	Wyeth Holdings Corporation		
		WO 2004/009023 A2	07/18/2002	University of Utah Research Foundation		

Examiner Signature		Date Considered	

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				Application Number	10/686,047
				Filing Date	10/14/2003
				First Named Inventor	Joseph RUBINFELD
				Art Unit	1645
				Examiner Name	Not yet assigned
Sheet	4	of	4	Attorney Docket Number	12636-330.301

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T[2]
		VON HOFF, et al., "5-Azacytidine. A New Anticancer Drug With Effectiveness in Acute Myelogenous Leukemia," *Annals of Internal Medicine* (1976) 85(2), pages 237-245	

Examiner signature		Date Considered	

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